

SUMMARY

Upon entry of this Amendment, claims 1-3 and 9 will have been amended, claims 36 and 37 will have been added, and claims 1-11 and 36-37 will be pending. In the Office Action dated November 27, 2006, claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, and claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mogi et al.* (Japanese Patent 06174363) in view of *Friesner* (U.S. Patent No. 3,478,138).

REMARKS

Rejections Under 35 U.S.C. § 112, second paragraph:

Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 3, and 9 were rejected for lacking antecedent basis for the limitation “the ends”. By this Amendment, claims 1, 2, 3, and 9 have been amended to specify the ends referenced. Accordingly, the rejections under 35 U.S.C. § 112, second paragraph should be withdrawn.

Rejections Under 35 U.S.C. § 103(a):

Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mogi et al.* (Japanese Patent 06174363) in view of *Friesner* (U.S. Patent No. 3,478,138). Applicant traverses this rejection.

The Examiner relies upon *Mogi et al.* to disclose most elements of the claims, but admits that:

“*Mogi et al.* does not disclose forming the first shelf extrusion by cutting to a predetermined length an indefinite length of extruded material.” The Examiner then asserts that it is “known to form extruded members of a predetermined length by severing to length

an indefinite length of extruded material as attested by Friesner, see column 1, lines 13-29. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have formed the first extrusion of Mogi et al. by extruding an indefinite length of material to form a first intermediate extrusion and cutting the first intermediate extrusion to a predetermined length to form the first shelf extrusion, in light of the teachings of Friesner, in order to economically manufacture the shelf extrusion.”

Applicant traverses this rejection since neither *Mogi* nor *Freisner* provide a teaching or suggestion to combine their disparate teachings. *Mogi* teaches a method of forming door pocket structures for refrigerators that involves creating substantially similar right and left corner members 10 that can be attached to various sized center members 9. *Freisner* provides little more than a teaching of making thermoplastic articles with non-planar contours, and fails entirely to provide a teaching or suggestion to reach the invention. Neither *Mogi* nor *Freisner* provide a teaching or suggestion to modify either or both of their inventions to reach the present invention. Additionally, neither *Mogi*, *Freisner*, nor any proposed combination thereof teaches or suggests the claims as amended by the present Amendment. Specifically, neither *Mogi*, *Freisner*, nor any proposed combination thereof teaches or suggests any of the following: (1) feeding a metal material to an extruder, (2) extruding the metal through a die, (3) forming a first shelf extrusion, (4) forming the side wall with a channel, (5) forming the shelf extrusion of a different material than the end wall; or (6) forming the shelf extrusion of a different size than the end wall to allow a first translucent wall and an end cap to be received between the two end walls. Further, *Mogi*, *Freisner*, nor any proposed combination thereof teaches or suggests the new dependent claims that specify that the first end cap be formed by extrusion at a second predetermined length greater than the predetermined length to extend the end cap further into each end wall than the first shelf

extrusion. Accordingly, since neither *Mogi*, *Freisner*, nor any proposed combination thereof teaches or suggests the present claims, the rejections based thereupon should be withdrawn.

CONCLUSION

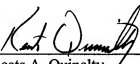
Claims 1-11 and 36-37 are allowable and a notice to such effect is earnestly solicited. The Examiner is invited and urged to telephone the undersigned attorney with any questions or comments regarding the foregoing Amendment.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this Amendment and Response under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully Submitted,

3/27/07
Date


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Docket No.: V003 1090.1